

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

ROY ANTHONY HUIZAR	§	
TDCJ-CID #585462	§	
	§	
v.	§	C.A. NO. C-06-059
	§	
SHERIFF BOB HEWS, ET AL.	§	


**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND DISMISSING  
PLAINTIFF'S CASE**

On February 17, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 5). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's Memorandum and Recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's application for leave to proceed *in forma pauperis* (D.E. 2) is denied and plaintiff's lawsuit is dismissed without prejudice. Plaintiff may refile this

lawsuit if plaintiff pays the \$250.00 filing fee.

ORDERED this 28 day of March, 2006.

  
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HAYDEN HEAD  
CHIEF JUDGE